

**SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM**

**(CONTINUED FROM THE DECEMBER 13, 2004 AND FEBRUARY 28, 2005 REGULAR MEETINGS)**

**SUBJECT:** REQUEST TO AMEND AN EXISTING SPECIAL EXCEPTION TO ALLOW THE TEMPORARY STORAGE OF VEHICLES IN CONJUNCTION WITH AN APPROVED MECHANICAL GARAGE IN THE C-2 (RETAIL COMMERCIAL DISTRICT) AT 9176 OVERLAND ROAD; (SUE WALSH, APPLICANT).

**DEPARTMENT:** Planning & Development **DIVISION:** Planning

**AUTHORIZED BY:** Earnest McDonald **CONTACT:** Francisco Torregrosa **EXT.** 7387

**Agenda Date** 3-28-05 **Regular** ☐ **Consent** ☐ **Public Hearing – 6:00** ☒

**MOTION/RECOMMENDATION:**

1. **APPROVE** THE REQUEST TO AMEND AN EXISTING SPECIAL EXCEPTION TO ALLOW THE TEMPORARY STORAGE OF VEHICLES IN CONJUNCTION WITH AN APPROVED MECHANICAL GARAGE IN THE C-2 (RETAIL COMMERCIAL DISTRICT) AT 9176 OVERLAND ROAD; (SUE WALSH, APPLICANT); OR
2. **DENY** THE REQUEST TO AMEND AN EXISTING SPECIAL EXCEPTION TO ALLOW THE TEMPORARY STORAGE OF VEHICLES IN CONJUNCTION WITH AN APPROVED MECHANICAL GARAGE IN THE C-2 (RETAIL COMMERCIAL DISTRICT) AT 9176 OVERLAND ROAD; (SUE WALSH, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

<b>GENERAL INFORMATION</b>	SUE WALSH, APPLICANT FOR JOHN RUTHEFORD, OWNER 9176 OVERLAND ROAD	C-2 DISTRICT, LDC SECTION 30.763(g); (MECHANICAL GARAGES)
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• THIS ITEM WAS CONTINUED FROM THE DECEMBER 13, 2004 REGULAR MEETING OF THE BOARD OF ADJUSTMENT TO ALLOW THE REVIEW AND APPROVAL OF A FINAL SITE PLAN BY THE DEVELOPMENT REVIEW COMMITTEE. THE APPLICANT HAS COMPLIED WITH THIS CONDITION. IT WAS SUBSEQUENTLY CONTINUED FROM THE FEBRUARY 28, 2005 REGULAR MEETING AT THE REQUEST OF THE APPLICANT.</li> <li>• THE APPLICANT REQUESTS AN AMENDMENT TO A</li> </ul>	

	<p>SPECIAL EXCEPTION TO ALLOW THE TEMPORARY STORAGE OF VEHICLES IN CONJUNCTION WITH AN APPROVED SPECIAL EXCEPTION FOR A MECHANICAL GARAGE IN THE C-2 (RETAIL COMMERCIAL DISTRICT) AT 9176 OVERLAND ROAD.</p> <ul style="list-style-type: none"><li>• THE SPECIAL EXCEPTION ALLOWS MECHANICAL GARAGES, LIVING QUARTERS, OFFICE, RETAIL, AND AUTO BODY REPAIR.</li><li>• ON OCTOBER 4, 2004, THE BOARD OF ADJUSTMENT APPROVED A SPECIAL EXCEPTION FOR A PAINT AND BODY SHOP AT 2441 ORANGE BLOSSOM TRAIL. DURING THE HEARING, THE BOARD RAISED THE ISSUE OF WHAT CONSTITUTED A “JUNKED” VEHICLE AS PROHIBITED IN THE PROPOSED DEVELOPMENT ORDER. IT WAS DETERMINED BY THE BOARD THAT NO VEHICLES SHOULD BE ALLOWED TO REMAIN ON THE PREMISES FOR A PERIOD LONGER THAN ONE YEAR. THIS CONDITION WAS ADDED TO THE DEVELOPMENT ORDER.</li><li>• THE APPLICANT WISHES TO INCORPORATE THE SAME CONDITIONS IN THE EXISTING DEVELOPMENT ORDER TO MITIGATE CODE ENFORCEMENT ACTION ON THE PREMISES.</li></ul>																								
ZONING & FLU	<table><tr><th>DIRECTION</th><th>EXISTING ZONING</th><th>EXISTING FLU</th><th>USE OF PROPERTY</th></tr><tr><td>SITE</td><td>C-2</td><td>COMMERCIAL</td><td>AUTO SALES / REPAIR OFFICE / RETAIL LIVING QUARTERS</td></tr><tr><td>NORTH</td><td>C-2</td><td>COMMERCIAL</td><td>HOTEL/MOTEL</td></tr><tr><td>SOUTH</td><td>C-2</td><td>COMMERCIAL</td><td>NIGHT CLUB</td></tr><tr><td>EAST</td><td>C-2</td><td>COMMERCIAL</td><td>VACANT / COMMERCIAL</td></tr><tr><td>WEST</td><td>ORANGE COUNTY</td><td>ORANGE COUNTY</td><td>COMMERCIAL</td></tr></table>	DIRECTION	EXISTING ZONING	EXISTING FLU	USE OF PROPERTY	SITE	C-2	COMMERCIAL	AUTO SALES / REPAIR OFFICE / RETAIL LIVING QUARTERS	NORTH	C-2	COMMERCIAL	HOTEL/MOTEL	SOUTH	C-2	COMMERCIAL	NIGHT CLUB	EAST	C-2	COMMERCIAL	VACANT / COMMERCIAL	WEST	ORANGE COUNTY	ORANGE COUNTY	COMMERCIAL
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WEST	ORANGE COUNTY	ORANGE COUNTY	COMMERCIAL																						
STANDARDS FOR GRANTING A SPECIAL EXCEPTION; LDC SECTION 30.43(b)(2)	<p>THE BOARD OF ADJUSTMENT (BOA) SHALL HAVE THE POWER TO HEAR AND DECIDE SPECIAL EXCEPTIONS IT IS SPECIFICALLY AUTHORIZED TO PASS UNDER THE TERMS OF THE LAND DEVELOPMENT CODE UPON DETERMINATION THE USE REQUESTED:</p> <p><b><u>IS NOT DETRIMENTAL TO THE CHARACTER OF THE AREA OR NEIGHBORHOOD OR INCONSISTENT WITH TRENDS OF DEVELOPMENT IN THE AREA:</u></b></p> <p>THE REQUESTED CHANGES TO THE DEVELOPMENT ORDER FOR THE SPECIAL EXCEPTION WOULD BRING INTO COMPLIANCE A SITE HISTORICALLY USED FOR SECURITY LIVING QUARTERS, RETAIL SALES, OFFICE AND AUTO</p>																								

**BODY PAINT AND REPAIR WITHOUT PRIOR APPROVAL.**

PROPERTIES ALONG THE ABUTTING SEGMENT OF OVERLAND ROAD AND STATE ROAD 441 ARE CHARACTERIZED BY MIXED COMMERCIAL DEVELOPMENT, INCLUDING SIMILAR AUTOMOBILE SERVICE AND REPAIR FACILITIES, GENERAL COMMERCIAL, AND WAREHOUSE USES. FOR THIS REASON, STAFF BELIEVES THE EXISTING USES ON THE SITE AND THE PROPOSED CHANGES IN DEVELOPMENT ORDER CONDITIONS ARE CONSISTENT WITH THE CHARACTER OF SURROUNDING DEVELOPMENT.

**DOES NOT HAVE AN UNDULY ADVERSE EFFECT ON EXISTING TRAFFIC PATTERNS, MOVEMENTS AND VOLUMES:**

THE PROPOSED CHANGES TO THE DEVELOPMENT ORDER ARE NOT EXPECTED TO GENERATE MORE PEAK HOUR TRAFFIC THAN THE APPROVED USES. STAFF HAS CONFIRMED THAT ADEQUATE CAPACITY EXISTS ALONG THE ABUTTING SEGMENT OF OVERLAND ROAD TO ACCOMMODATE THE EXISTING USES.

**IS CONSISTENT WITH THE SEMINOLE COUNTY VISION 2020 COMPREHENSIVE PLAN:**

THE SEMINOLE COUNTY VISION 2020 COMPREHENSIVE PLAN DESCRIBES COMMERCIAL FUTURE LAND USE AS APPROPRIATE FOR A VARIETY OF COMMERCIAL USES (INCLUDING MECHANICAL GARAGES, LIVING QUARTERS FOR SECURITY PURPOSES AND PAINT AND BODY SHOPS) THAT ARE LOCATED AT THE INTERSECTIONS OF MAJOR ROADWAYS AND ALONG MAJOR ROADWAYS AS INFILL DEVELOPMENT WHERE THE USE IS ALREADY ESTABLISHED.

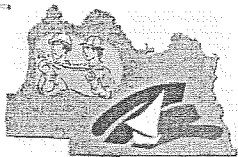
WITH THE IMPOSITION OF STAFF'S AMENDED RECOMMENDED CONDITIONS, THE EXISTING USES COULD BE MADE TO COMPLY WITH THIS DESCRIPTION OF INFILL DEVELOPMENT, GIVEN THE SUBJECT PROPERTY'S LOCATION ADJACENT TO STATE ROAD 441, WHICH IS DEFINED AS A PRINCIPAL ARTERIAL ROADWAY.

**MEETS ANY ADDITIONAL REQUIREMENTS SPECIFIED IN THE CODE SECTION AUTHORIZING THE USE IN A PARTICULAR ZONING DISTRICT OR CLASSIFICATION:**

BASED ON THE SUBMITTED SITE PLAN, THE PROPOSED USE WOULD MEET THE MINIMUM AREA AND DIMENSIONAL REQUIREMENTS OF THE C-2 DISTRICT.

**WILL NOT ADVERSELY AFFECT THE PUBLIC INTEREST:**

	<p>WITHIN THE C-2 DISTRICT, MECHANICAL GARAGES, LIVING QUARTERS FOR SECURITY PURPOSES AND PAINT AND BODY SHOPS ARE ALLOWED AS SPECIAL EXCEPTION USES. WITH THE IMPOSITION OF STAFF'S AMENDED RECOMMENDED CONDITIONS, THOSE USES WOULD STILL BE CONSISTENT WITH ABUTTING MIXED COMMERCIAL USES, WHICH ARE SIMILAR IN CHARACTER AND APPEARANCE.</p>
<b>STAFF FINDINGS</b>	<p>IN THE EVALUATION OF THIS APPLICATION, STAFF HAS DETERMINED THE FOLLOWING:</p> <ul style="list-style-type: none"><li>• THE PROPERTY IS CURRENTLY SERVED BY WELL AND SEPTIC SYSTEMS.</li><li>• THERE ARE NO IDENTIFIED AREAS OF ENVIRONMENTAL CONCERN.</li><li>• THE PROPERTY HAS BEEN USED AS A MECHANICAL GARAGE, LIVING QUARTERS FOR SECURITY PURPOSES AND PAINT AND BODY SHOP OVER THE LAST FIVE (5) YEARS; IT IS CONSISTENT WITH THE TREND OF MIXED COMMERCIAL DEVELOPMENT, GENERAL COMMERCIAL, AND WAREHOUSE USES ALONG OVERLAND ROAD AND STATE ROAD 441. THE TEMPORARY STORAGE OF BUILDINGS IS NECESSARY FOR THE REASONABLE REPAIR OF VEHICLES.</li><li>• WITH THE IMPOSITION OF STAFF'S AMENDED RECOMMENDED CONDITIONS, THE PROPOSED USES WOULD NOT HAVE AN ADVERSE IMPACT ON EXISTING TRAFFIC PATTERNS, MOVEMENTS OR VOLUMES.</li><li>• THE EXISTING USES ARE CONSISTENT WITH THE COMPREHENSIVE PLAN'S DESIGNATION OF COMMERCIAL FUTURE LAND USE FOR THE SUBJECT PROPERTY, AND THE PROPOSED CHANGES TO THE DEVELOPMENT ORDER CONDITIONS WOULD NOT ADVERSELY AFFECT THE PUBLIC INTEREST.</li></ul>
<b>STAFF RECOMMENDATION</b>	<p>BASED ON THE STATED FINDINGS, STAFF RECOMMENDS THE BOARD OF ADJUSTMENT APPROVE THE FOLLOWING AMENDED CONDITIONS:</p> <ul style="list-style-type: none"><li>○ AUTOMOTIVE WORK SHALL INCLUDE MECHANICAL REPAIR, SERVICE AND PAINT AND BODY REPAIRS;</li><li>○ ALL AUTOMOTIVE WORK SHALL BE CONDUCTED WITHIN ENCLOSED PRINCIPAL STRUCTURES;</li><li>○ THE OUTDOOR STORAGE OF SERVICE EQUIPMENT SHALL BE PROHIBITED;</li><li>○ <u>THE OUTDOOR STORAGE OF WRECKED OR JUNKED VEHICLES FOR A PERIOD LONGER THAN ONE YEAR SHALL BE PROHIBITED.</u></li></ul>



SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT  
PLANNING DIVISION  
1101 EAST FIRST STREET  
SANFORD, FL 32771  
(407) 665-7444 PHONE (407) 665-7385 FAX

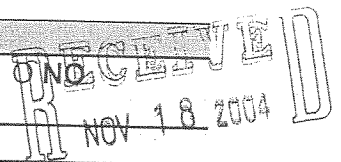
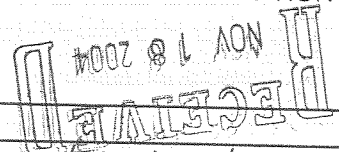
APPL. NO. B5 2004-032

### APPLICATION TO THE SEMINOLE COUNTY BOARD OF ADJUSTMENT

Applications to the Seminole County Board of Adjustment shall include all applicable items listed in the Board of Adjustment Process Checklist. No application will be scheduled for Board of Adjustment consideration until a complete application (including all information requested below) has been received by the Planning & Development Department, Planning Division. Applications for SPECIAL EXCEPTION shall only be received for processing following pre-application conference.

#### APPLICATION TYPE:

- ☐ **VARIANCE**
- ☒ **SPECIAL EXCEPTION** Amendment to Development Order #04-3200020
- ☐ **MOBILE HOME SPECIAL EXCEPTION**
- ☐ EXISTING (YEAR \_\_\_\_\_) ☐ PROPOSED (YEAR \_\_\_\_\_)
- ☐ REPLACEMENT (YEAR \_\_\_\_\_) SIZE OF MOBILE HOME \_\_\_\_\_
- ANTICIPATED TIME MOBILE HOME IS NEEDED \_\_\_\_\_
- PLAN TO BUILD ☐ YES ☐ NO IF SO, WHEN \_\_\_\_\_
- MEDICAL HARDSHIP ☐ YES (LETTER FROM DOCTOR REQUIRED) ☐ NO
- ☐ **APPEAL FROM DECISION OF THE PLANNING MANAGER**



PROPERTY OWNER		AUTHORIZED AGENT *	
NAME	<u>John Rutherford</u>	NAME	<u>Wendy Walsh</u>
ADDRESS	<u>1117 Wall Bridge Ln</u>	ADDRESS	<u>9190 Overland Rd</u>
	<u>Clarksville GA 30523</u>		<u>Apopka FL 32703</u>
PHONE 1		PHONE 1	<u>407-383-9852</u>
PHONE 2		PHONE 2	
E-MAIL		E-MAIL	

PROJECT NAME: \_\_\_\_\_

SITE ADDRESS: 9190 Overland Rd Apopka FL 32703

CURRENT USE OF PROPERTY: \_\_\_\_\_

LEGAL DESCRIPTION: Leg Beg 418.5 ft. n. of SW cor lot 28 Run N  
181.5 ft e 419 ft to rd sellly Along rd 155.25 ft Sully to Beg

SIZE OF PROPERTY: 1.9 acre(s) PARCEL I.D. 17-21-29-5BG-0000-028F

UTILITIES: ☐ WATER ☒ WELL ☐ SEWER ☐ SEPTIC TANK ☐ OTHER \_\_\_\_\_

KNOWN CODE ENFORCEMENT VIOLATIONS \_\_\_\_\_

IS PROPERTY ACCESSIBLE FOR INSPECTION ☒ YES ☐ NO

This request will be considered at the Board of Adjustment regular meeting on 12 / 13 / 04  
(mo/day/yr), in the Board Chambers (Room 1028) at 6:00 p.m. on the first floor of the Seminole County Services Building, located at 1101 East First Street in downtown Sanford, FL.

I hereby affirm that all statements, proposals, and/or plans submitted with or contained within this application are true and correct to the best of my knowledge.

Wendy Walsh  
SIGNATURE OF OWNER OR AGENT\*

11-18-04  
DATE

\* Proof of owner's authorization is required with submittal if signed by agent.



## ADDITIONAL VARIANCES

VARIANCE 2:

VARIANCE 3:

VARIANCE 4:

VARIANCE 5:

VARIANCE 6:

VARIANCE 7:

## APPEAL FROM BOA DECISION TO BCC

### APPELLANT INFORMATION

NAME

ADDRESS

PHONE 1

PHONE 2

E-MAIL

NATURE OF THE APPEAL

APPELLANT SIGNATURE

### FOR OFFICE USE ONLY

PROCESSING:

FEE(S): \_\_\_\_\_ COMMISSION DISTRICT 3 FLU/ZONING COM/C-2

BCC HEARING DATE \_\_\_\_\_ (FOR APPEAL)

LOCATION FURTHER DESCRIBED AS on the West side of Overland Rd approx. 400' S. of the intersection of Overland Rd and us 441

PLANNING ADVISOR JV DATE 10/18/04

SUFFICIENCY COMMENTS \_\_\_\_\_

MORRISON BOULEVARD (60' R/W - VACATED)

181.50'

180°00'00"W  
180.00'

181.17'

PROVIDE 6" SWALE ALONG  
PROPERTY LINE SEE DETAIL

TO BE RELOCATED

VEHICLE STORAGE

NEW 8' FENCE

VEHICLE STORAGE

DUMPSTER WITH  
8' WOOD FENCE

50 LF DBLE-YELLOW  
THERMO STRIPE

24" WHITE STOP BAR  
30"X30" STOP SIGN

PROPOSED HANDICAP SPACE

AUTO SALES LOT

OFFICE

10' EMERGENCY ACCESS

PROVIDE 6" SWALE ALONG  
PROPERTY LINE SEE DETAIL

BODY SHOP  
1 BAY

10X19' OFFICE

4 BAYS

MECHANICS GARAGE

TRAILER

VEHICLE STORAGE

PERVIOUS AREA  
TO REMAIN

VEHICLE STORAGE

VEHICLE STORAGE

20' STABILIZED FIRE ACCESS

A PORTION OF  
TRACT 24  
MANE'S ORANGE  
VILLA  
(PLAT BOOK 2, PAGES  
98-101)

8

NEW 8' GATE

VEHICLE STORAGE

4 BAYS

4 BAYS

AUTO REPAIR  
AND MECHANIC WORK

SITE DATA:  
PARCEL SIZE 1.90 ACRES  
IMPERVIOUS AREA 0.60 ACRES  
PERVIOUS AREA 1.30 ACRES  
ZONING C-2  
INTERNAL SITE AREA = 46,000 SF  
REQUIRED INTERNAL LANDSCAPING 10% = 4600 SF  
LANDSCAPE SPACE PROVIDED = 5590 SF, OK

PARKING REQUIRED:  
1 SPACE PER 200 SF OFFICE  
1504 SF / 200 = 8 SPACES  
3 SPACES PER SERVICE BAY  
11 X 3 = 33 SPACES  
TOTAL REQUIRED = 41 SPACES

PARKING PROVIDED:  
EACH BAY COUNTS AS 2 SPACES  
2 X 11 = 22 SPACES  
PRIVATE PARKING 19 SPACES

BLAND ROAD

35' R

10' L  
PER  
PER  
SEC

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April 30, 2004

John Rutherford  
348 Rinehardt Rd  
 Mooresville NC 28115

Attn: Ernest  
Address: Seminole County Planning and Development  
1101 East First Street  
Sanford Florida 32773  
Re: Zoning Variance for Overland Road, Apopka

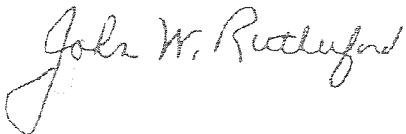
Ernest,

Sue Walsh has my permission to request variance to the zoning on the property in Apopka which is currently being used for automotive business. I would appreciate any assistance you could give her in this matter.

Please feel free to call me for any additional information or assistance you may need.


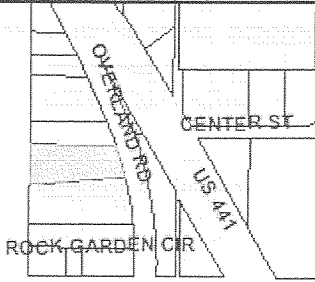
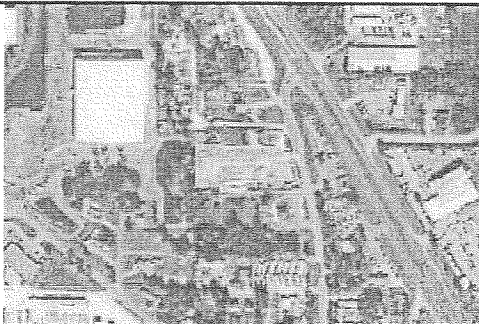
Thank you in advance for your help,

John Rutherford  
704 904 4149

A handwritten signature in cursive script that reads "John W. Rutherford". The signature is written in dark ink and is positioned below the typed name and phone number.



Personal Property 

PARCEL DETAIL	REAL ESTATE	PERSONAL PROP.	TAX ROLL	SALES SEARCH	◀ Back ▶																																													
 <p><b>Seminole County</b> Property Appraiser Services 1101 E. First St. Sanford FL 32771 407-665-7506</p>																																																		
<p align="center"><b>GENERAL</b></p> <p>Parcel Id: 17-21-29-58G-0000-028F Tax District: 01-COUNTY-TX DIST 1  Owner: RUTHERFORD JOHN W Exemptions:  Address: 9170 OVERLAND RD  City,State,ZipCode: APOPKA FL 32703  Property Address: 385 OLD US 441  Facility Name:  Dor: 27-AUTO SALE AND SERVIC</p>			<p align="center"><b>2005 WORKING VALUE SUMMARY</b></p> <p>Value Method: Market  Number of Buildings: 2  Depreciated Bldg Value: \$33,951  Depreciated EXFT Value: \$1,080  Land Value (Market): \$138,795  Land Value Ag: \$0  Just/Market Value: \$173,826  Assessed Value (SOH): \$173,826  Exempt Value: \$0  Taxable Value: \$173,826</p>																																															
<p align="center"><b>SALES</b></p> <table border="1"> <thead> <tr> <th>Deed</th> <th>Date</th> <th>Book</th> <th>Page</th> <th>Amount</th> <th>Vac/Imp</th> </tr> </thead> <tbody> <tr> <td>WARRANTY DEED</td> <td>06/1998</td> <td>03464</td> <td>1630</td> <td>\$170,000</td> <td>Improved</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>04/1998</td> <td>03417</td> <td>0376</td> <td>\$100</td> <td>Improved</td> </tr> <tr> <td>CERTIFICATE OF TITLE</td> <td>09/1992</td> <td>02477</td> <td>1301</td> <td>\$100</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>07/1988</td> <td>01977</td> <td>1058</td> <td>\$190,000</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>04/1982</td> <td>01390</td> <td>1748</td> <td>\$100,000</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1970</td> <td>00792</td> <td>0062</td> <td>\$13,500</td> <td>Improved</td> </tr> </tbody> </table> <p align="center">Find Comparable Sales within this DOR Code</p>			Deed	Date	Book	Page	Amount	Vac/Imp	WARRANTY DEED	06/1998	03464	1630	\$170,000	Improved	QUIT CLAIM DEED	04/1998	03417	0376	\$100	Improved	CERTIFICATE OF TITLE	09/1992	02477	1301	\$100	Improved	WARRANTY DEED	07/1988	01977	1058	\$190,000	Improved	WARRANTY DEED	04/1982	01390	1748	\$100,000	Improved	WARRANTY DEED	01/1970	00792	0062	\$13,500	Improved	<p align="center"><b>2004 VALUE SUMMARY</b></p> <p>2004 Tax Bill Amount: \$2,948  2004 Taxable Value: \$174,396  DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>					
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		Appendage / Sqft		UTILITY UNFINISHED / 320																																														
2	BARN/SHEDS	1974	0	2,016	2,016	2,016 PREFINISHED METAL	\$7,742	\$19,354																																										
<p align="center"><b>EXTRA FEATURE</b></p> <table border="1"> <thead> <tr> <th>Description</th> <th>Year Blt</th> <th>Units</th> <th>EXFT Value</th> <th>Est. Cost New</th> </tr> </thead> <tbody> <tr> <td>WOOD UTILITY BLDG</td> <td>1979</td> <td>250</td> <td>\$600</td> <td>\$1,500</td> </tr> <tr> <td>WOOD UTILITY BLDG</td> <td>1979</td> <td>200</td> <td>\$480</td> <td>\$1,200</td> </tr> </tbody> </table>						Description	Year Blt	Units	EXFT Value	Est. Cost New	WOOD UTILITY BLDG	1979	250	\$600	\$1,500	WOOD UTILITY BLDG	1979	200	\$480	\$1,200																														
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<p>NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.  *** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</p>																																																		

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of that, 12% would be developed for the buildings, 46% total impervious area and 54% would remain open space. He also stated that staff's objection was due to incompatibility with the surrounding uses. He further stated that to the south of the property was an office park under construction, to the east were railroad tracks, to the west of the property the YMCA is currently doing a major renovation and to the north the property is currently single family homes. He also stated that everything north of the property would be compensating storage, retention pond or conservation easement, and they would give ample setback and buffer for the A-1 zoned property (single family homes). He further stated that the owner, Mr. Ronald Edwards currently has a dry wall company and he would like to use 5,000 square feet of the building for his business. He also stated that the building would have a Commercial look to it, the building will be mansard and stucco with a glass store front look, the warehouse would be in the back of each bay. He lastly stated that if the special exception was not granted, they had the ability to continue with C-2 (Retail Commercial Zoning) and they had enough parking, if it is granted they would be able to eliminate some of the parking spacing and save some of the trees along Longwood Lake Mary Road.

Sidney Young, owner, stated that what they would like to do is have an office building with storage in the back for the offices. He also used a carpet installer as type of business that they would welcome to this facility. He further stated that they would comply with the Land Development Code and they wanted a nice looking establishment.

**Mrs. Buchanan made a motion to approve the request according to staff recommendations for development.**

**Mr. Bass seconded the motion.**

**The motion passed by unanimous consent (5-0).**

- 25. 9176 OVERLAND ROAD, APOPKA - Sue Walsh, applicant; Request for special exception to establish a mechanical garage, living quarters for security purposes, and a paint and body shop in the C-2 (Retail Commercial District); Located on the west side of Overland Road, approximately 400 feet south of the intersection of US 441 and Overland Road; (BS2004-020).**

**Francisco Torregrosa, Planner**

Francisco Torregrosa introduced the location of the application and stated the owner was cited by Code Enforcement on March 22, 2004 for operating without the required special exception. He also stated that staff recommended approval of the request for special exception with the following conditions:

- Automotive work shall include mechanical repair, service and paint and body work.
- All automotive work shall be conducted within enclosed principle structures.
- The outdoor storage of service equipment or junk vehicles shall be prohibited.

- The existing structures shall comply with the Commercial Building Code.

Sue Walsh stated that she had a letter from the previous owners stating auto repair was previously conducted on the property. She also stated that for the past 6 years they have operated a mechanic shop, body repair and have housed a security guard there. She further stated that they were not aware that they needed a special exception, until Code Enforcement made them aware.

**Mr. Bass made a motion to approve the request.**

**Mrs. Buchanan seconded the motion.**

**The motion passed by unanimous consent (5-0).**

## **APPROVAL OF MINUTES**

**Mr. Bushrui made a motion to approve the June 28, 2004 minutes.**

**Mr. Bass seconded the motion the motion.**

**The motion passed by unanimous consent (5-0).**

## **ADJOURNMENT**

**Time of Adjournment was 8:55 P.M.**

**SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER**

On March 28 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG BEG 418.5 FT N OF SW COR LOT 28 RUN N 181.5 FT E 419 FT TO RD SELY ALONG RD 155.25 FT SWLY TO BEG (LESS RD) MC NEILS ORANGE VILLA PB 2 PG 99

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

**FINDINGS OF FACT**

**Property Owner:** JOHN RUTHEFORD  
1117 WALL BRIDGE LP  
CLARKESVILLE, GA 30523

**Project Name:** OVERLAND ROAD (9176)

**Requested Development Approval:**

SPECIAL EXCEPTION TO ESTABLISH A MECHANICAL GARAGE, LIVING QUARTERS FOR SECURITY PURPOSES AND A PAINT AND BODY SHOP IN THE C-2 (RETAIL COMMERCIAL DISTRICT) AT 9176 OVERLAND ROAD, AS DEPICTED ON THE ATTACHED SITE PLAN.

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Francisco Torregrosa  
1101 East First Street  
Sanford, Florida 32771

**Order****NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:
  1. AUTOMOTIVE WORK SHALL INCLUDE MECHANICAL REPAIRS, SERVICE AND PAINT AND BODY REPAIR;
  2. ALL AUTOMOTIVE WORK SHALL BE CONDUCTED WITHIN THE ENCLOSED PRINCIPAL STRUCTURES;
  3. THE OUTDOOR STORAGE OF SERVICE EQUIPMENT SHALL BE PROHIBITED;
  4. THE OUTDOOR STORAGE OF WRECKED OR JUNK VEHICLES FOR A PERIOD LONGER THAN ONE YEAR SHALL BE PROHIBITED; AND
  5. THE EXISTING STRUCTURES SHALL COMPLY WITH THE COMMERCIAL BUILDING CODE.
- (4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.
- (5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: \_\_\_\_\_  
Matthew West  
Planning Manager

STATE OF FLORIDA     )  
COUNTY OF SEMINOLE )

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared \_\_\_\_\_ who is personally known to me or who has produced \_\_\_\_\_ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires:



**OWNER'S CONSENT AND COVENANT**

**COMES NOW**, the owner, JOHN RUTHEFORD, on behalf of himself and his heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

\_\_\_\_\_  
Witness\_\_\_\_\_  
John Rutheford, Owner\_\_\_\_\_  
Witness

STATE OF FLORIDA )

COUNTY OF SEMINOLE )

**I HEREBY CERTIFY** that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Insert Name who is personally known to me or who has produced \_\_\_\_\_ as identification and who did take an oath.

**WITNESS** my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires: